IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3512 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10919 OF 2006

WITH

CIVIL APPLICATION NO. 3513 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10919 OF 2006

WITH

CIVIL APPLICATION NO. 3514 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10923 OF 2006

WITH

CIVIL APPLICATION NO. 3515 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10923 OF 2006

WITH

CIVIL APPLICATION NO. 3516 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10927 OF 2006

WITH

CIVIL APPLICATION NO. 3517 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10927 OF 2006

WITH

CIVIL APPLICATION NO. 3518 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10933 OF 2006

WITH

CIVIL APPLICATION NO. 3519 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10933 OF 2006

WITH

CIVIL APPLICATION NO. 3520 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10936 OF 2006

WITH

CIVIL APPLICATION NO. 3521 OF 2006

IN

WITH

CIVIL APPLICATION NO. 3522 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10940 OF 2006

WITH

CIVIL APPLICATION NO. 3523 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10940 OF 2006

WITH

CIVIL APPLICATION NO. 3524 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10945 OF 2006

WITH

CIVIL APPLICATION NO. 3525 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10945 OF 2006

WITH

CIVIL APPLICATION NO. 3526 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10949 OF 2006

WITH

CIVIL APPLICATION NO. 3527 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10949 OF 2006

WITH

CIVIL APPLICATION NO. 3528 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10953 OF 2006

WITH

CIVIL APPLICATION NO. 3529 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10953 OF 2006

WITH

CIVIL APPLICATION NO. 3530 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10958 OF 2006

WITH

CIVIL APPLICATION NO. 3531 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10958 OF 2006

WITH

CIVIL APPLICATION NO. 3532 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10963 OF 2006

WITH

CIVIL APPLICATION NO. 3533 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10963 OF 2006

WITH

CIVIL APPLICATION NO. 3534 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10966 OF 2006

WITH

CIVIL APPLICATION NO. 3535 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10966 OF 2006

WITH

CIVIL APPLICATION NO. 3536 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10969 OF 2006

WITH

CIVIL APPLICATION NO. 3537 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10969 OF 2006

WITH

CIVIL APPLICATION NO. 3538 OF 2006

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FIRST APPEAL NO. (ST) NO. 10974 OF 2006

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CIVIL APPLICATION NO. 3539 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10974 OF 2006

WITH

CIVIL APPLICATION NO. 3540 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10977 OF 2006

WITH

CIVIL APPLICATION NO. 3541 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10977 OF 2006

WITH

CIVIL APPLICATION NO. 3542 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10988 OF 2006

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CIVIL APPLICATION NO. 3543 OF 2006

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FIRST APPEAL NO. (ST) NO. 10988 OF 2006

WITH

CIVIL APPLICATION NO. 3544 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 10992 OF 2006

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CIVIL APPLICATION NO. 3545 OF 2006

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FIRST APPEAL NO. (ST) NO. 10992 OF 2006

WITH

CIVIL APPLICATION NO. 3546 OF 2006

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FIRST APPEAL NO. (ST) NO. 10996 OF 2006

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CIVIL APPLICATION NO. 3547 OF 2006

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FIRST APPEAL NO. (ST) NO. 10996 OF 2006

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CIVIL APPLICATION NO. 3548 OF 2006

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FIRST APPEAL NO. (ST) NO. 11000 OF 2006

WITH

CIVIL APPLICATION NO. 3549 OF 2006

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FIRST APPEAL NO. (ST) NO. 11000 OF 2006

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CIVIL APPLICATION NO. 3550 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11013 OF 2006

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CIVIL APPLICATION NO. 3551 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11013 OF 2006

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CIVIL APPLICATION NO. 3552 OF 2006

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FIRST APPEAL NO. (ST) NO. 11018 OF 2006

WITH

CIVIL APPLICATION NO. 3553 OF 2006

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FIRST APPEAL NO. (ST) NO. 11018 OF 2006

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CIVIL APPLICATION NO. 3554 OF 2006

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FIRST APPEAL NO. (ST) NO. 11098 OF 2006

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CIVIL APPLICATION NO. 3555 OF 2006

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FIRST APPEAL NO. (ST) NO. 11098 OF 2006

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CIVIL APPLICATION NO. 3556 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11103 OF 2006

WITH

CIVIL APPLICATION NO. 3557 OF 2006

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FIRST APPEAL NO. (ST) NO. 11103 OF 2006

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CIVIL APPLICATION NO. 3558 OF 2006

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FIRST APPEAL NO. (ST) NO. 11106 OF 2006

WITH

CIVIL APPLICATION NO. 3559 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11106 OF 2006

WITH

CIVIL APPLICATION NO. 3560 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11111 OF 2006

WITH

CIVIL APPLICATION NO. 3561 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11111 OF 2006

WITH

CIVIL APPLICATION NO. 3562 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11115 OF 2006

WITH

CIVIL APPLICATION NO. 3563 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11115 OF 2006

WITH

CIVIL APPLICATION NO. 3566 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11122 OF 2006

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CIVIL APPLICATION NO. 3567 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11122 OF 2006

WITH

CIVIL APPLICATION NO. 3568 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11126 OF 2006

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CIVIL APPLICATION NO. 3569 OF 2006

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FIRST APPEAL NO. (ST) NO. 11126 OF 2006

WITH

CIVIL APPLICATION NO. 3572 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11136 OF 2006

WITH

CIVIL APPLICATION NO. 3573 OF 2006

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FIRST APPEAL NO. (ST) NO. 11136 OF 2006

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CIVIL APPLICATION NO. 3574 OF 2006

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FIRST APPEAL NO. (ST) NO. 11140 OF 2006

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CIVIL APPLICATION NO. 3575 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11140 OF 2006

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CIVIL APPLICATION NO. 3576 OF 2006

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FIRST APPEAL NO. (ST) NO. 11144 OF 2006

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CIVIL APPLICATION NO. 3577 OF 2006

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FIRST APPEAL NO. (ST) NO. 11144 OF 2006

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CIVIL APPLICATION NO. 3578 OF 2006

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FIRST APPEAL NO. (ST) NO. 11154 OF 2006

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CIVIL APPLICATION NO. 3579 OF 2006

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FIRST APPEAL NO. (ST) NO. 11154 OF 2006

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CIVIL APPLICATION NO. 3580 OF 2006

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FIRST APPEAL NO. (ST) NO. 11213 OF 2006

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CIVIL APPLICATION NO. 3581 OF 2006

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FIRST APPEAL NO. (ST) NO. 11213 OF 2006

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CIVIL APPLICATION NO. 3582 OF 2006

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FIRST APPEAL NO. (ST) NO. 11217 OF 2006

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CIVIL APPLICATION NO. 3583 OF 2006

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FIRST APPEAL NO. (ST) NO. 11217 OF 2006

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CIVIL APPLICATION NO. 3584 OF 2006

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FIRST APPEAL NO. (ST) NO. 11220 OF 2006

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CIVIL APPLICATION NO. 3585 OF 2006

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FIRST APPEAL NO. (ST) NO. 11220 OF 2006

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CIVIL APPLICATION NO. 3586 OF 2006

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FIRST APPEAL NO. (ST) NO. 11224 OF 2006

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CIVIL APPLICATION NO. 3587 OF 2006

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FIRST APPEAL NO. (ST) NO. 11224 OF 2006

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CIVIL APPLICATION NO. 3588 OF 2006

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FIRST APPEAL NO. (ST) NO. 11228 OF 2006

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CIVIL APPLICATION NO. 3589 OF 2006

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FIRST APPEAL NO. (ST) NO. 11228 OF 2006

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CIVIL APPLICATION NO. 3590 OF 2006

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FIRST APPEAL NO. (ST) NO. 11231 OF 2006

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CIVIL APPLICATION NO. 3591 OF 2006

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FIRST APPEAL NO. (ST) NO. 11235 OF 2006

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CIVIL APPLICATION NO. 3594 OF 2006

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FIRST APPEAL NO. (ST) NO. 11246 OF 2006

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CIVIL APPLICATION NO. 3595 OF 2006

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FIRST APPEAL NO. (ST) NO. 11246 OF 2006

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CIVIL APPLICATION NO. 3596 OF 2006

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CIVIL APPLICATION NO. 3597 OF 2006

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CIVIL APPLICATION NO. 3598 OF 2006

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FIRST APPEAL NO. (ST) NO. 11252 OF 2006

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CIVIL APPLICATION NO. 3599 OF 2006

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FIRST APPEAL NO. (ST) NO. 11252 OF 2006

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CIVIL APPLICATION NO. 3600 OF 2006

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FIRST APPEAL NO. (ST) NO. 11257 OF 2006

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CIVIL APPLICATION NO. 3601 OF 2006

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FIRST APPEAL NO. (ST) NO. 11257 OF 2006

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CIVIL APPLICATION NO. 3602 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11272 OF 2006

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CIVIL APPLICATION NO. 3603 OF 2006

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FIRST APPEAL NO. (ST) NO. 11272 OF 2006

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CIVIL APPLICATION NO. 3604 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11275 OF 2006

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CIVIL APPLICATION NO. 3605 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11275 OF 2006

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CIVIL APPLICATION NO. 3606 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11279 OF 2006

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CIVIL APPLICATION NO. 3607 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11279 OF 2006

WITH

CIVIL APPLICATION NO. 3608 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11283 OF 2006

WITH

CIVIL APPLICATION NO. 3609 OF 2006

IN

FIRST APPEAL NO. (ST) NO. 11283 OF 2006

The State of Maharashtra & Ors. .. Applicants.

vs.

Sampat Baburao Khatale
& Ors. .. Respondents.

Mr. K.K. Tated for applicants.
Mr. Jeetendra Sachdev i/by A.J. Ahuja
for Respondents.

..

Coram: J.N. PATEL &,
SMT. R.S. DALVI, JJ.
Date: 2ND APRIL, 2007.

P.C.

. The State has moved these applications for condonation of delay in filing appeals in matters arising out of decision of the reference Court impugning the judgment and order enhancing the compensation in land acquisition matters.

2. A common reason given for delay is that though the certified copies were obtained in time in all these cases, they were misplaced and, therefore, the officer concerned was required to make fresh application and then part of the delay is attributed to procedural and administrative reasons. It is submitted that the Court may consider this as good and sufficient ground and condone the delay.

3. The learned counsel appearing for the respondents strongly opposes the application on the ground that misplacing of certified copies is no reason which can be held to be good and sufficient as it is an act of negligence on the part of the officials which cannot be condoned. Further, it is contended that it is obligatory on the part of the State to explain the delay by giving plausible reasons which can be acceptable to the Court and each day's delay has to be explained.

4. Taking an overall view of the fact situation, this Court is inclined to condone the delay but subject to payment of cost of Rs. 1000/- in each case which shall be recovered from the concerned officer who was responsible and to be paid to the respondents within three weeks. The cost of Rs. 1000/- in each matter has to be paid by the officer who was incharge of the matters from his own pocket and we do not want to overburden the Public Exchequer for the negligence on the part of the officer in prosecuting the matter and misplacing the file and particularly the certified copies.

5. These civil applications are disposed of accordingly. The matters be listed for admission after three weeks.

6. The learned counsel for the respondents submits that the costs awarded by this Court may be credited in the account of High Court Legal Aid Committee. On such costs being deposited, the same may be credited in the account of High Court Legal Aid Committee. On failure of the applicants to deposit the costs as ordered and directed by this Court, the applications would stand dismissed without any further reference to the Court.

(J.N. Patel, J.)

(Smt. R.S. Dalvi, J.)